

## Diskussion/Discussion

*Eerik Lagerspetz*

### John Searle's Social Ontology

*Comment to John R. Searle "Social Ontology and the Philosophy of Society" (Analyse & Kritik 20, 143–158)*

*Abstract:* The theory presented in John Searle's *The Construction of Social Reality* has a lot in common with the conventionalist view of institutions. Conventionalism, however, can explain how there can be institutional facts without pre-existing rules, and why people comply with institutional rules.

John Searle has done it again. For the third time in thirty years, he has set the agenda for a branch of philosophy. No one doing serious work in the philosophy of language can ignore his *Speech Acts*, as no one interested in the mind-body problem and in cognitive science can ignore his *Minds, Brains, and Science*. I am convinced that his most recent book *The Construction of Social Reality* (hereafter: *CSR*) will acquire a similar status in descriptive social philosophy.

The project Searle carries through in *CSR* is not an entirely new one. Some of its aspects resemble the ideas of phenomenological sociologists like Berger and Luckmann (1966). Some other aspects are related to the earlier analytical social theories of Raimo Tuomela (1984, 1995), I. C. Jarvis (1972), and Margaret Gilbert (1989). For me, however, the nearest point of comparison is my own theory, as formulated in my book *A Conventionalist Theory of Institutions* (1989; hereafter *CTI*) and in the more polished version *The Opposite Mirrors. A Conventionalist Theory of Institutions* (1995; hereafter *OM*). The following quotations show the parallelism between our efforts. In the first page of *CRS*, Searle writes:

"This book is about a problem that has puzzled me for a long time: there are portions of the real world, objective facts in the world, that are only facts by human agreement. In a sense there are things that exist only because we believe them to exist. I am thinking of things like money, property, governments, and marriages."

And in the first-mentioned book, I wrote

“There are things which exist and facts which hold if and only if the relevant individuals believe that they exist or hold and act according to these beliefs. What we call institutions and institutional facts fall under this description.” (CTI, 14; emphasis omitted)

Clearly we are talking about the same phenomenon. However, by making this comparison, I am certainly not trying to challenge Searle on matters of scientific priority. As I remarked, many people have said similar things before. Moreover, one of my starting points was Searle’s own analysis of institutional facts in *Speech Acts*. And finally, although there are similarities between my work and that of Searle, such as a fascination with the phenomenon of money, there are also some important differences.

In general, Searle’s project is much more impressive than mine. His ambition is to develop a general system of ontology, and to find in it a place for those facts that exist only ‘by human agreement’. My more humble aim was only to make some remarks about the ontological specificity of such things as linguistic, monetary, and legal entities. When working with his system, Searle introduces a number of important new concepts, such as “institutional fact”, “deontic powers”, “agentive functions”, and, perhaps most intriguingly, “the Background”. My only conceptual innovation was “conventional fact”, as introduced in *CTI*, 15–23. Even that notion is quite like—but not exactly the same as—Searle’s old “institutional fact”. Perhaps I may again use that notion as a starting point when trying to show why I think that my work still contains some useful ideas not formulated in or implied by the central theses of *CSR*.

In *Speech Acts*, Searle develops the distinction between brute and institutional facts. Brute facts are the furniture of our physical (or physical and mental) world. Institutional facts presuppose the pre-existence of constitutive rules of the form “*X* counts as *Y* in context *C*”. For example, in certain contexts some physical objects are money, in other contexts some strings of sounds are words and sentences, etc. Thus, there are two kinds of facts. My starting point was: *what kind of fact is it that such a constitutive rule exists in a community?* I do not mean the abstract philosophical fact that there are such rules, but the particular fact (the potential subject of concrete linguistic, sociological and legal studies) that in a given community *C* at a time *t* there exists a constitutive rule with the effect that *X*’s are counted as *Y*’s. Obviously, the existence of a rule is not a brute fact in Searle’s sense. But if it is an institutional fact, we need a new constitutive rule saying that, in a given context, something is counted as a rule. And so on. I thought that the only way out of this supposed regress was to introduce a more general notion of a non-brute fact which would cover both Searle’s rule-based institutional facts and man-made facts that are not based on pre-existing rules. My prime example of this was H.L.A. Hart’s notion of the rule of recognition. Most

rules belonging to a legal system are legal rules, because they are recognized by other rules, and ultimately by the rule of recognition. But the rule of recognition itself cannot be dependent on further rules; otherwise we would be in a regress. The rule of recognition exists only as a shared practice in the legal community of a society. It is there because officials and other key actors of the legal community think so.

Against this, it may be claimed that the Hartian approach replaces the infinite regress with a logical circle:

“if the question about the nature of a practice were a question about what officials thought then the content of their thought could not be a thought about the nature of the practice.” (Simmonds 1984, 104; emphasis omitted)

My solution was precisely to point out that there *are* things in the universe which have a circular structure: most notably, propositional attitudes (beliefs, intentions, etc.) can refer to each other. Thus, the existence of a rule of recognition simply means that key actors in a legal community share certain propositional beliefs and act accordingly. They believe that certain things (e.g. all rules laid down by a legislature) are rules and should *prima facie* be enforced in the community. They also believe that other members of the legal community think so and expect others to think so. Similarly, if I believe that something is money in my community, I also believe that others think so and think that others think so. If these beliefs are at least partly reasons for the agents (members of a legal community, or agents in the markets) to act as if certain things were legal rules or money, then these things *are* legal rules or money. The fact that these things are what they are is, in my terminology, a conventional fact. A conventional fact holds either because of these mutual attitudes or because of rules which can ultimately be traced back to mutual attitudes.

Again, there are several parallel approaches in philosophical literature. The earliest one, of course, can be found in David Lewis' classical treatise *Convention*; but similar ideas have been expressed by Raimo Tuomela (1984; 1995), Kent Bach (1975), David-Hillel Ruben (1985) and Philip Pettit (1993), among others. But Searle will have nothing of this. He discusses mutual (or shared) beliefs only within the context of collective intentionality (*CSR*, 25–6), and only in order to reject the whole approach. I think he rejects it too hastily. He is perfectly right in insisting that there are collective intentions that cannot be reduced to mutually shared individual intentions. But institutions are not normally maintained by such 'stronger' collective propositional attitudes. Consider the creation of the common European currency. The politicians and top bureaucrats in the European Union certainly share a common purpose—perhaps a Searlian collective intention—to create a European currency. But

we ordinary Euro-citizens do not participate in the intention. We do not intend to create a new currency (not even when we like the idea), because that is beyond our powers. We just have to accept it, pretty much like we accept a change of weather. But, unlike the weather, the continuous existence of a European currency depends on the fact that we believe that certain items given to us are money, that we believe that our fellow Europeans are willing to accept them as money, and that we all act accordingly. The existence of large-scale institutions is not dependent on anything like a common purpose or agreement in a strong sense. Rather, it depends on the fact that as anonymous members of a society, we have to take it as given that our fellow members have certain beliefs and expect us to have certain beliefs. Even if there are genuinely collective attitudes, we also have complex beliefs that are shared in the distributive rather than collective sense of the word. And these beliefs are essential in explaining how complex institutions can persist. Searle refers to examples which obviously presuppose distributive rather than collective attitudes, but he does not try to incorporate them into his analysis.

My view of institutions as conventions also highlights another aspect neglected by Searle. *Why* do we accept institutions? Searle himself does not

“believe there is any single motivation for the continued acknowledgement of institutional facts. It is tempting to some to think that there must be some rational basis for such acknowledgement, that the participants derive some game theoretical advantage or get on a higher indifference curve, or some such, but the remarkable feature of institutional structures is that people continue to acknowledge and cooperate in many of them even when it is by no means obviously to their advantage to do so.” (*CSR*, 92)

Now, there is certainly no single motivation behind all acknowledgement of institutions. People do support institutions, cooperate in them, and thus acknowledge them by habit or out of commitment. But there are also individually rational reasons for acknowledging institutional facts. If there were *no* such reasons, the existence of institutions would remain mysterious. For “habit” (*CSR*, 92) does not really explain much. Why do we have the habits we do? Following Hume, I would like to say that habit often supplements reason. Institutions are needed for *coordination*. As Habermas says,

“every social interaction that comes about without the exercise of manifest violence can be understood as a solution to the problem of how the action plans of several actors can be coordinated with each other in such a way that one party’s actions ‘link up’ with those of the others.” (Habermas 1996, 17)

Conventions are means of coordinating actions. The important thing, however, is that although it is individually rational for me, or for you, or for all

the rest taken distributively, to coordinate our actions according to an existing convention, there might be a better alternative. By going along with an existing convention, we are doing better than without any convention, but the result might still be collectively suboptimal or unfair, or both. We cannot change large institutions (like monetary systems, linguistic practices and legal systems) alone, nor can we opt out of them without either emigrating or becoming social isolates. Thus, in respect of most institutions, most of us have most of the time individually rational reasons to comply with them, while there need be no rational reason why we all comply rather than replace them with new and better institutions. Again, the problem is that we are anonymous members of large societies, where we mostly have to take each other's beliefs and actions as granted. This situation can be illustrated by game-theoretical examples (as I tried to do in *CTI* as well as in *OM*). But the argument itself is independent of any formal treatment. I think it can be found in Marx as well as in Durkheim.

I think that these observations are important. They tell us something essential about the nature of institutional reality, and they may also help us to develop a more detailed theory of the nature of social power and authority. This idea of convention differs from the view Lewis sets out in his *Convention*. There, one of the main properties of conventions is that for every conventional solution to a coordination problem there exists a possible alternative (or alternatives) which would solve the problem equally well, and the agents involved in the problem are virtually indifferent to the alternative solutions. They go along with the existing conventions just because they happen to be there. This implies that their interests are basically identical. But consider such practices as using dollar as an international currency, or using English as the *lingua franca* in India or Africa. These practices solve real coordination problems: there is an obvious need in both cases to find a shared practice, and the existence of some shared practice is, for individual agents, more important than the particular nature of the chosen practice. But certainly these practices are not neutral. They are products of pre-existing power relations, and they tend to reproduce the very same relations. Similar themes are mentioned, but not developed, in *CSR*, 90–4, when Searle discusses the sudden collapse of the Eastern European dictatorships.

Finally, I would like to say some words about Searle's general ontological project. He is an ontological realist. Now, as I wrote in *OM*, there is a connection between institutionalist/conventionalist social metaphysics and a more general realist thesis. But the connection is of a psychological rather than logical nature. One problem in the traditional realist world view is that there seem to be so many 'non-brute' facts around us. Many, perhaps most, of the things in which we are interested in our daily lives do not exist the way stones or chairs or even neutrinos do, but in some other way. They seem

to be constructed by us. After admitting this, it is psychologically easy to make a conceptual leap and conclude that they are just arbitrary fictions, and that, perhaps, there *are* only fictions. But Searle's account shows that this conclusion does not follow from the premise. It is possible to say that although some things are constructed by us, they are still quite real, at least as real as stones and neutrinos.

However, the institutionalist/conventionalist analysis does not imply realism, either. An antirealist who, for example, believes that *all* things, including stones and neutrinos, are constructed by us may still accept the institutionalist/conventionalist way of thinking about social facts and objects. The only thing he or she has to add to his or her general constructivist ontology is that money, governments, or marriages are constructed in a different way than stones or neutrinos. Perhaps we should say that they are doubly constructed. According to a constructivist, our practices and modes of thinking and speaking produce the natural objects—but in the case of social objects, there are additional practices and modes of thinking and speaking which make the already created natural objects social objects. I myself do not subscribe to this view. I just wanted to point out that it is compatible with the first part of Searle's project.

## Bibliography

- Bach, K. (1995), Analytical Social Philosophy – Basic Concepts, in: *Journal for the Theory of Social Behaviour* 5, 189–214
- Berger, P. L./T. Luckmann (1966), *The Social Construction of Reality. A Treatise in the Sociology of Knowledge*, New York
- Gilbert, M. (1989), *On Social Facts*, Princeton
- Habermas, J. (1996), *Between Facts and Norms*, tr. W. Rehg, Cambridge
- Jarvis, I. C. (1972), *Concepts and Society*, London
- Lagerspetz, E. (1989), *A Conventionalist Theory of Institutions*, Helsinki
- (1995), *The Opposite Mirrors. An Essay on the Conventionalist Theory of Institutions*, Dordrecht
- Lewis, D. (1969), *Convention*, Cambridge
- Pettit, P. (1993), *The Common Mind*, Oxford
- Ruben, D.-H. (1985), *The Metaphysics of the Social World*, London.
- Searle, J. (1974), *Speech Acts*, Cambridge
- (1995), *The Construction of Social Reality*, New York
- (1998), Social Ontology and the Philosophy of Society, in: *Analyse & Kritik* 20, 143–158
- Simmonds, N. E. (1984), The Nature of the Propositions of Law, in: *Rechtstheorie* 15., 96–108
- Tuomela, R. (1984), *A Theory of Social Action*, Dordrecht
- (1995), *The Importance of Us. A Philosophical Study of Basic Social Notions*, Stanford